

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

COMPASS DIRECTIONAL GUIDANCE, INC.	§ § §	
<i>Plaintiff,</i>	§	
v.	§	CIVIL ACTION NO. 6:22-cv-286
GORDON TECHNOLOGIES, L.L.C.,	§ § §	JURY TRIAL DEMANDED
<i>Defendant.</i>	§ § §	

COMPLAINT FOR PATENT INFRINGEMENT

I. PARTIES

1. Plaintiff Compass Directional Guidance, Inc. (hereinafter “Compass”) is a Texas corporation having a principal place of business at 14427 Interdrive West, Houston, Texas 77032.
2. Defendant Gordon Technologies, L.L.C. (hereinafter “Gordon”) is a Delaware corporation having a regular and established place of business at 12615 West County Road 137, Odessa, Texas 79766. Gordon may be served through its registered agent for service in Texas, Cogency Global Inc., 1601 Elm St., Suite 4360, Dallas, Texas 75201.

II. JURISDICTION AND VENUE

3. This Complaint for patent infringement arises under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281. The Court has original and exclusive subject matter jurisdiction over plaintiff’s patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue and personal jurisdiction are proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Gordon has a regular and established place of business in this judicial district and has committed acts of infringement within this judicial district (the Western District of Texas).

III. THE 795 PATENT

5. On February 4, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,640,795 (hereinafter the “795 Patent”). Plaintiff Compass is the owner by assignment of all right, title, and interest in the 795 Patent together with the right to collect damages for all past, present and future infringement. The 795 Patent is in full force and effect, is still within its enforceable term, has not lapsed due to failure to pay maintenance fees, and has not been the subject of any prior litigation. The 795 Patent is presumed to be valid. A copy of the 795 Patent is attached as Exhibit 1.

6. All products made, used, sold or offered for sale in the United States authorized by Compass or prior owners of the 795 Patent have been marked with the 795 Patent number in accordance with 35 U.S.C. § 287(a).

7. Defendant Gordon has known about the 795 Patent since March 30, 2015 or before.

8. The tool covered by the 795 Patent is for use in drilling operations where a well is drilled into underground formations in an attempt to reach oil and/or gas reserves that may lie miles beneath the surface. Many drilling operations today are intended to make wells that deviate from traditional vertical wells resulting in lateral or horizontal wellbores which are desired because they increase production of oil and/or gas from the targeted subterranean formation. Such drilling operations use directional guidance technology to determine the orientation and direction of travel of the drill bit during drilling to assist the drilling operator with directing the drill bit toward the targeted subterranean formation. The electronics used to provide directional guidance to the drilling operator are vulnerable to interference or damage caused by shock and vibration inherent in any drilling operation.

9. The 795 Patent is entitled “Shock Reduction Tool for a Downhole Electronics Package.” An electronics package that the 795 Patent is specifically aimed at protecting is

“measurement-while-drilling (MWD) tools.” MWD technology is used to determine the orientation and direction of travel of the drill bit and to transmit this information back to the drilling operator. The claims of the 795 Patent cover a shock reduction tool used to protect MWD electronics.

10. Claim 12 of the 795 Patent is exemplary of the scope of the patent claims and is set forth below:

A tool string disposed in at least one tubular comprising upper and lower threaded connections to connect to a drill string, the tool string comprising:
a shock reduction tool comprising an anchoring tail piece axially and rotationally fixed to the at least one tubular;
a universal bore hole orientation (UBHO) muleshoe disposed at an upper end of the shock reduction tool; and
a downhole electronics package coupled to the UBHO muleshoe;
wherein the UBHO muleshoe is configured to rotationally and axially orient the downhole electronics package within the at least one tubular.

11. Pursuant to 35 U.S.C. § 271(a) “whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States . . . during the term of the patent therefor, infringes the patent.”

IV. CLAIM – INFRINGEMENT OF THE 795 PATENT

12. Defendant Gordon has made and used in the United States a downhole tool it refers to as “Shock Miser™” since February 2016 or earlier. A copy of Gordon’s “Shock Miser – Data Sheet” is attached as Exhibit 2. Gordon continues to make and use the Shock Miser tool in the United States. Gordon has leased, sold, offered for sale, and offered for lease the Shock Miser tool to others for their use in the United States since February 2016 or earlier. Gordon continues to sell, lease, offer for sale, and offer for lease the Shock Miser tool to others for their use in the United States. Gordon has used, or authorized the use by lease, of its Shock Miser tool within the Western District of Texas and Gordon continues to do so.

13. Gordon’s Shock Miser tool is intended to reduce shock and vibration from the drill string to protect a measurement-while-drilling (“MWD”) system. Gordon’s marketing information

acknowledges that sensor packages and other sensitive downhole electronics housed in MWD systems are particularly vulnerable to damage from shock and vibration during drilling. Gordon advertises that its Shock Miser tool protects the sensor packages and other sensitive downhole electronics from shock and vibration during drilling.

14. Claim 12 of the 795 Patent requires: “A tool string disposed in at least one tubular comprising upper and lower threaded connections to connect to a drill string, the tool string comprising” Gordon’s Shock Miser tool is a tubular tool string. The Shock Miser tool has upper and lower threaded connections that are used to connect it to a drill string when in use. Gordon admits that its “Shock Miser [tool] is the underlying foundation of how we package everything within our tool string.” Gordon admits that its Shock Miser tool is connected “while drilling” to “[r]educe shock from the drill string.” Gordon admits that the “Shock Miser [tool] is available in all common sizes and API thread types”

15. Claim 12 of the 795 Patent further requires: “a shock reduction tool comprising an anchoring tail piece axially and rotationally fixed to the at least one tubular.” The Shock Miser tool is a shock reduction tool. Gordon’s advertising states that the Shock Miser tool reduces shock and minimizes shock and vibration issues. The Shock Miser tool connects to the drill string through a “standardized UBHO” device (universal bore hole orientation) or “UBHO sleeve” and is axially and rotationally fixed by one or more set screws in an anchoring tail piece.

16. Claim 12 of the 795 Patent further requires: “a universal bore hole orientation (UBHO) muleshoe disposed at an upper end of the shock reduction tool.” Gordon admits that its Shock Miser tool is connected to the drill string and drill collar through “standardized UBHO configurations” (muleshoes) or a “UBHO sleeve.” While in use during drilling, the UBHO is disposed at an upper end of the Shock Miser tool.

17. Claim 12 of the 795 Patent further requires: “a downhole electronics package coupled to the UBHO muleshoe.” An MWD system is a downhole electronics package. The Shock Miser tool is used with an “MWD system” coupled to “standardized UBHO configurations” (muleshoes).

18. Claim 12 of the 795 Patent further requires: “wherein the UBHO muleshoe is configured to rotationally and axially orient the downhole electronics package within the at least one tubular.” The UBHO muleshoe in Gordon’s Shock Miser tubular tool includes an alignment key “for MWD orientation.” The alignment key is in a fixed and locked position within the UBHO that rotationally and axially orients the Shock Miser tool in the drill string. One or more set screws in the Shock Miser tool are used to rotationally and axially orient the MWD system within the Shock Miser tool.

19. Gordon infringes claim 12 of the 795 Patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

20. Gordon leases its Shock Miser tool to others for use while drilling into subterranean formations. Gordon instructs its customers to use the Shock Miser tool in an infringing manner. On information and belief, Gordon has knowledge that its customers’ use of the Shock Miser tool will infringe the 795 Patent. Gordon’s leasing activity induces infringement of the 795 Patent. Gordon is liable as an infringer for inducing others to infringe the 795 Patent under 35 U.S.C. § 271(b).

21. When in use during drilling, Gordon’s Shock Miser tool is a component of the invention covered by the 795 Patent. The Shock Miser tool is not a staple article of commerce and has no non-infringing use. Gordon intends its Shock Miser tool to be a component of an infringing tool string. On information and belief, Gordon has knowledge that the intended tool string comprising the Shock Miser tool is especially made or especially adapted for use to infringe the 795 Patent. Gordon’s manufacture, use, sale, offer for sale, and leasing of the Shock Miser tool contributes to infringement of the 795 Patent and Gordon is liable for its contribution to infringement

under 35 U.S.C. § 271(c).

22. Gordon does not have a license to the 795 Patent or any authority from Compass or any prior owners of the 795 Patent to make, use, sell and lease the Shock Miser tool.

23. Gordon's infringement of the 795 Patent has caused damage to Compass. Gordon's infringement will continue to cause damage to Compass unless and until Gordon's actions are enjoined by the Court. The amount of damages to Compass will be determined at trial.

24. On information and belief, Gordon's infringement of the 795 patent was and is made with knowledge that its actions infringe. Gordon's infringement of the 795 Patent was and is willful infringement.

V. PRAYER FOR RELIEF

25. Plaintiff requests the following relief:

- (a) a judgment that Gordon has infringed the 795 Patent, and that Gordon's infringement was willful;
- (b) a permanent injunction pursuant to 35 U.S.C. § 283 prohibiting Gordon from making, using, importing, offering for sale or selling in the United States its Shock Miser tool and any other downhole tool that is substantially similar to the Shock Miser tool;
- (c) an award to Plaintiff of damages adequate to compensate for Gordon's infringement, including its lost profits, but in no event less than a reasonable royalty for Gordon's infringing use of the patented invention;
- (d) an award of increased damages up to three times the amount found or assessed pursuant to 35 U.S.C. § 284;
- (e) a determination by the Court that this is an exceptional case and an award of Plaintiff's reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

- (f) an award of prejudgment interest, post-judgment interest and costs; and,
- (g) such other relief as the Court deems just.

VI. JURY DEMAND

26. Plaintiff demands a trial by jury on all the issues so triable.

Date: March 16, 2022

Respectfully submitted,

/s/ Michael E. Wilson

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